EIS NO. FHWA-LA-EIS-00-01-F

RECORD OF DECISION

I-49 CONNECTOR

Lafayette, Louisiana

January, 2003

FEDERAL AID PROJECT NO. DE-0009(802)

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U.S. Department of Transportation
Federal Highway Administration

FEDERAL AID PROJECT NO. DE-0009(802)
STATE PROJECT NO. 700-24-0073

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1. DECISION

1.1. Summary of Decision

This Record of Decision (ROD) approves the Selected Alternative for the I-49 Connector from just south of the Lafayette Regional Airport north to the current southern terminus of Interstate 49 at the Interstate 10/Interstate 49 interchange, as described in the Final Environmental Impact Statement (EIS) issued September 2002. The Final EIS studied the proposed construction of a six-lane fully controlled access freeway, approximately five miles in length, generally along the existing U.S. 90/U.S. 167 corridor (Evangeline Thruway) in urban Lafayette. The Selected Alternative is described as Alternative RR-4 Elevated and includes the MPO Subalternative and Subalternative H. This decision is based on analyses contained in the Draft EIS issued in November 2000; the Final EIS; the comments of federal and state agencies, members of the public, and elected officials; and other information in the record in this matter. Following the approval of this ROD, the project will then be able to begin provisions to preserve the I-49 Alignment through use of the LCG Corridor Preservation and Management Action Plan and as funding becomes available, design and construction will be implemented.

2. ALTERNATIVES CONSIDERED

2.1. Alternatives History and Description

An I-49 Connector Draft EIS was prepared for the Evangeline Thruway study corridor and distributed in May 1992. The Draft EIS considered six freeway type alternatives on four alignments, as well as a no-action alternative. Four of the freeway type alternatives were continuously elevated in the developed urban core area of the project, while two of the freeway alternatives were depressed below grade. At the conclusion of the Public Hearing, this Draft EIS was withdrawn by notice in the Federal Register dated December 11, 1992.

In 1993, the Lafayette Regional Planning Commission acting in its role as the Metropolitan Planning Organization prepared a study entitled Path To Progress to determine the most appropriate corridor for the I-49 Connector to meet purpose and need. This study considered four corridors consisting of a western bypass, a near eastern bypass, a far eastern bypass, and the Evangeline Thruway corridor. This study concluded that the Evangeline Thruway corridor was the one that would best satisfy the purpose and need for the I-49 Connector.

In December 1997, the Draft EIS for the I-49 Connector was reopened with a reconciled set of six primary alternatives within the Evangeline Thruway corridor. The four alignments from the 1991 Draft EIS were retained. The four elevated freeway types were retained as well, but the depressed freeway types were marginally feasible hydraulically and were deemed not safe or practical for the project, and thus were rejected for further study. Instead, two selected overpass alternatives were included in the alternatives set. The six alternatives on four alignments include various combinations of the existing alignment (EA) of the Evangeline Thruway/U.S. 90/U.S. 167 and the area directly adjacent to the Union Pacific Railroad (RR). These alternatives are listed below:

- EA-1 Elevated
- EA-1 Selected Overpasses
- RR-3 Elevated
- RR-3 Selected Overpasses
- RR-4 Elevated
- RR-5 Elevated

The logical termini and length of highway covered by these alternatives are adequate to preclude questions on "piecemealing." Three general principles are contained in 23 CFR 771.111(f) that are to be used to frame a highway project. As stated in the regulations, “In order to ensure meaningful

evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated in each EIS or finding of no significant impact shall:

1. Connect logical termini and be of sufficient length to address environmental matters on a broad scope,
2. Have independent utility or independent significance, and
3. Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

The proposed project meets these requirements. It has logical termini and independent utility and does not restrict consideration of other transportation improvements in the area (for instance an east or west bypass or loop). Section 1.3.1, System Linkage, of the Final EIS demonstrates the I-49 Connector's compatibility with other transportation projects in the region. That it meets the three requirements is true even if no other portions of I-49 South are built.

The project is demonstrated to meet logical termini and have independent utility as it meets the following components of the Purpose and Need:

- System Linkage – Connection of I-10 and I-49 north of Lafayette to U.S. 90 and U.S. 167; connection of I-10 and full freeway service to Lafayette Regional Airport (LRA); freeway connection to downtown multi-modal transit center; improved access to Beaver Park and other park facilities; freeway connectivity to the CBD; improved connectivity and compatibility with the existing and planned roadway network including University Avenue extension and Verot School Road extension (FEIS Section 1.3.1).
- Relieve existing and projected traffic in existing Evangeline Thruway corridor (FEIS Section 1.3.2).
- Long standing, numerous regional transportation plans that have identified the need for a freeway in the Evangeline Thruway corridor (FEIS Section 1.3.3).
- Meets intent of original enabling federal legislation and has local agency and governmental support (FEIS Section 1.3.4).
- Has beneficial intermodal relationships including rail, air, and bus transit connections. (FEIS Section 1.3.5).
- Provides improved safety in the corridor (FEIS Section 1.3.6).
- Hurricane evacuation – Eliminates the "choke point" for evacuation from the south on U.S. 90 in Lafayette, with 15 signalized intersections in the 5-mile I-49 Connector study area. This constriction was proven during Hurricane Andrew in 1992 (FEIS Section 1.3.7).
- Increased Mobility – Increasing capacity in the Evangeline Thruway corridor will tend to attract traffic from other congested area roadways

(such as University), thus increasing regional mobility (FEIS Section 1.3.8.b).

The above illustrates the value of the I-49 Connector as a stand-alone project. Connectivity of this portion to other portions is not required for the I-49 Connector to meet its independent Purpose and Need.

The Final EIS contains an adequate detailed statement of the following: description of the proposed project; need for the project; alternatives; affected environment; environmental consequences; and comments and coordination.

The Draft and Final EIS have been coordinated with appropriate local, state, and federal agencies and also made available for public comment and at the public hearing. The comments received have been adequately addressed in the Final EIS and this ROD. The Final EIS has been endorsed by appropriate local, state, and federal agencies.

As part of the effort to address comments that arose during the review of the Final EIS, updated studies utilizing the most recent traffic data have been performed. See Appendix B of this ROD. The studies show that the Evangeline Thruway central corridor, which includes the RR-4 Selected Alternative, best meets a primary purpose and need of the project to relieve existing traffic congestion. Routes that are further removed to the east do not attract as much existing traffic. A primary reason for this is that most of the existing traffic is local, with only approximately 9% through traffic in the corridor.

2.2. Selected Alternative

Given the urban, developed, nature of the project area, each of the alternatives considered will have impacts regarding the value factors present. Primary value factors that are present for each of the alternatives include displacements, visual impacts at the Sterling Grove Historic District, noise impacts, community planning, hazardous waste sites, the Chicot Aquifer (sole source), traffic circulation and land access, and access to the central business district. Lesser value factors also exist that are common to all of the alternatives. Some alternatives may have fewer impacts than others with regard to the value factors.

The Selected Alternative approved in this ROD is the Lafayette Consolidated Government's (LCG) locally preferred alternative, which has been identified as RR-4 Elevated in conjunction with the MPO Subalternative and Subalternative H. This alternative uses parts of the existing Evangeline Thruway alignment as well as a new alignment adjacent the Union Pacific Railroad. Upon reviewing the Draft EIS, comments received following the

Draft EIS Public Hearing, and local agency recommendations, the LCG adopted the RR-4 Elevated alignment as the locally preferred alternative for I-49 through Lafayette. The locally preferred alternative included a request by the LCG to keep two local collector streets open under the freeway. This request, identified as the MPO Subalternative, was determined to be feasible by the LaDOTD and has been included in the Selected Alternative. Subalternative H applies to the area north of Willow Street. The selected RR-4 alignment, as well as other alignments that were considered, are shown on Exhibit 2-1 in the Final EIS. The MPO Subalternative and Subalternative F are shown in Appendix A, as well as more detail regarding the RR-4 Elevated alternative. Chapter 2 provides a text description and other information regarding project alternatives.

The Selected Alternative decision represents a balance of impacts, in which certain factors were weighed against others in reaching a decision. Three factors that stand out as the most favorable regarding the Selected Alternative are summarized below:

- The Selected Alternative would require the least number of residential displacements.
- The Selected Alternative moves traffic (both the proposed freeway and existing Evangeline Thruway) farther from the Sterling Grove Historic District than other alternatives (except RR-3, which is on the same alignment as the Selected Alternative in the area of the District). Thus, the Selected Alternative is more conducive for preserving and enhancing the District, including St. Genevieve Catholic Church and School.
- The Selected Alternative is on new alignment in the core area, and as such is geometrically able to offer more direct access opportunities to the central business district.

With the exception of wetlands and hazardous waste sites, the Selected Alternative would not have any additional substantial environmental impacts when compared to the other alternatives considered in the Final EIS. This includes areas such as community planning, impacts to the Chicot Aquifer, and noise. Regarding wetlands, the Selected Alternative requires a 350' displacement of a runway at the Lafayette Regional Airport. This in turn will impact approximately five acres of wetlands that would not be impacted by Alternatives RR-3 and RR-5. This impact is considered to be more than offset by the avoidance of numerous residential, business, and public facilities that lie in the path of RR-3 and RR-5 and would be displaced by those alternatives.

2.3. Selection Of A Construction Alternative Over The No-Action Alternative

Construction of the Selected Alternative will cause some unavoidable, adverse impacts; however, it is the alternative that best balances the identified transportation needs of the project area with project impacts. The No-Action alternative provides a benchmark for environmental analysis but does not meet the project purpose and need and during the Final EIS has been dropped from further consideration as a viable alternative. Therefore, the Selected Alternative is the “environmentally preferred alternative” for purposes of 40 CFR 1502.2(b) because it best meets the project purpose and need and balances impacts overall.

3. MEASURES TO MINIMIZE HARM

The development of alternatives, both alignments and freeway types, considered both human and natural environmental factors. During the preliminary studies and development of the alternatives, efforts were made to identify alignment and typical section features that would minimize impacts. After showing that a resource or other feature could not be avoided, mitigation measures and other commitments to minimize harm were developed. The discussion below identifies key project related areas where mitigation and other measures to minimize harm have been addressed. The specific mitigation measures and commitments to minimize harm are listed.

3.1. Displacements

Avoiding densely populated areas evident in project mapping and field studies was considered to minimize the number of displacements. Therefore, all of the proposed alignments presented in the Final EIS primarily follow the existing Evangeline Thruway alignment, utilizing existing right-of-way where possible. In the central core area where the Thruway is a couplet the one block area between the two directional roadways is a developed area, primarily residential with some small businesses. Therefore, alternatives on new alignment adjacent to the Union Pacific Railroad were considered. The Selected Alternative utilizes the new alignment section in the central core in part because it minimizes residential displacements.

Impacts to the neighborhoods in the vicinity of the cross streets will be minimized by the selection of the elevated freeway alternative for the project, rather than the selected overpasses alternative. The selected overpasses alternative would require overpasses on the key cross streets, with construction impacts due to vertical geometry extending a minimum of 500' into the neighborhoods and other areas on each side of the Thruway. With each cross street elevated 15 - 20 feet to cross over the freeway, the existing ground level Thruway could not intersect with the cross streets to provide local traffic circulation and access or provide movements to and from the freeway. If the existing Thruway were raised to the level of the overpass crossing streets, this would require extensive right-of-way acquisitions and retaining walls, and would block access to those residential and business properties adjacent to the thruway. Traffic operating characteristics would be severely hindered and the severe relocations and other adverse socioeconomic impacts of this concept due to the cross street overpasses are over and above the impacts caused by the elevated freeway alternative that has been selected.

Based on the Final EIS studies, there is no practical alternative that will further minimize residential and commercial impacts.

The funding source for right-of-way acquisition and construction of the I-49 Connector is not currently known. Therefore, a corridor preservation plan has been developed to guide development in the corridor and allow for limited right-of-way acquisition over time until such funding becomes available. The LCG Corridor Preservation and Management Action Plan to Preserve the I-49 Alignment is the subject of a Joint Cooperative Endeavor Agreement between the FHWA, the LaDOTD, and the LCG and is a basis of this Record of Decision. One component of the corridor preservation plan includes replacement housing for displacees. This component of the plan meets the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and is considered to be a Last Resort Housing plan as required.

COMMITMENT

Relocations and housing needs will be handled in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and amendments of 1987. These items are addressed additionally in the Lafayette Consolidated Government (LCG) Corridor Preservation and Management Action Plan to Preserve the I-49 Alignment. Provisions regarding right-of-way acquisition, relocation assistance, and last resort housing will be upheld over time by LaDOTD with oversight by FHWA as stated in the LCG Corridor Preservation and Management Action Plan. This plan is part of the Joint Cooperative Endeavor Agreement, which is contained in the Final EIS.

3.2. Standing Structures and Archaeological Investigations

Standing structures and archaeological resources exist within the I-49 Connector study corridor. These features were inventoried and mapped during the alternatives development process. Measures were taken to avoid impact to any of the properties listed on or eligible for listing on the National Register of Historic Places (NRHP), and the Selected Alternative accomplishes this. The Selected Alternative also avoids any impacts to two potential archaeological historic sites.

A Section 106 study was performed in compliance with the National Historic Preservation Act. Unavoidable visual impacts have been determined to occur at the Sterling Grove Historic District as a result of the Selected Alternative. A Memorandum of Agreement (MOA) was signed by FHWA, LaDOTD, the Advisory Council on Historic Preservation (ACHP), the Louisiana State Historic Preservation Officer (SHPO), and endorsed by the three committees of the Lafayette Metropolitan Planning Organization

(MPO) and the Lafayette City-Parish Planning Commission as consulting parties. The visual impacts identified from the Section 106 process will be mitigated as described in Section 3.3 of this ROD (*Sterling Grove Historic District*).

COMMITMENT

A Plan of Archaeological Investigations for the Selected Alternative has also been established as part of an MOA for the project amongst the FHWA, LaDOTD, Louisiana SHPO, and the Advisory Council. The Plan document provides for completing the archaeological investigations required under Section 106 in conjunction with the corridor preservation plan developed for the project and the anticipated gradual acquisition of right-of-way.

The FHWA and DOTD will ensure that the investigation provisions of the Plan of Archaeological Investigations are carried out as stated in the MOA.

MITIGATION

If needed, based on the investigations, appropriate mitigation will be coordinated in conjunction with the Louisiana State Historic Preservation Officer (SHPO).

3.3. Sterling Grove Historic District

Impacts to the Sterling Grove Historic District (SGHD), which includes St. Genevieve Church and Elementary School, were minimized by re-aligning the existing Evangeline Thruway farther away from the District and using a reverse curve in the proposed freeway alignment to move it away from the District as well. The Selected Alternative (along with the RR-3 alignment that was not selected) gives the most clearance, approximately 280 feet, from the elevated Connector freeway to the face of the St. Genevieve Church. Additionally, the existing ground level northbound Thruway would be relocated to the west away from the front of the Church. This will also benefit the Church and School by reducing noise and creating space for visual mitigation.

COMMITMENT

Additional public involvement to detail the mitigation plan for the District has been committed to in the MOA by FHWA and LaDOTD in conjunction with local agencies and the State Historic Preservation Officer.

Within the mitigation plan, LaDOTD will include provisions for landscaping and other measures that will be designed into the construction project. The

types of mitigation measures that will be considered during the design process will include:

- Landscaping
- Earthberms
- Masonry walls
- Special lighting
- Long span bridges
- Attention to use of under bridge areas
- Hardscape and brick paver treatment
- Fencing
- Parks

During the development of the specific details for design and construction in the area, FHWA and LaDOTD shall seek input from Sterling Grove Historic District residents as well as from St. Genevieve Catholic Church and School. Public involvement will occur prior to the formal submittal of the specific details to the State Historic Preservation Officer (SHPO) for approval as specified in the MOA.

If a subsequent discovery or identification of additional historic properties is made, LaDOTD and FHWA, in consultation with the Louisiana SHPO, will ensure that the owners of the additional properties are made aware of the mitigation plan.

MITIGATION

The Sterling Grove Historic District has been determined to experience an adverse visual impact according to Section 106 as a result of the project. An MOA has been developed with regard to these impacts (see Section 4 of this ROD, *Section 106 Compliance*, for additional information). Visual impacts mitigation will be provided in accordance with the terms contained in the MOA, which is reproduced in Appendix F of the Final EIS. Based on public involvement and agency coordination, the following stipulations have been agreed to and will be carried out by LaDOTD and FHWA:

- The Evangeline Thruway will be realigned further away from St. Genevieve Catholic Church and School and the District to allow for better safety, traffic access, and circulation for the area.
- No right-of-way will be taken from the Sterling Grove Historic District (including side street work).
- Special lighting will be provided in the area directly in front of St. Genevieve Church and School as well as in the rights-of-way adjacent to the church and school,

- A plaza and green space with illumination and landscaping will be developed in the remaining area immediately adjacent to the Church and school,
- A simple decorative fence in the manner of wrought iron with locking gates will be provided to enclose the plaza and green space area,
- Upon completion of and acceptance by LaDOTD and FHWA of the installation of the improvements listed above in the area near the St. Genevieve Church and School the ownership of the property, including all future maintenance requirements for the property, will be transferred to St. Genevieve Catholic Church.
- The conversion of Greig Street to a one-way street extending from Elizabeth Street to a new intersection with Mudd Avenue, and the elimination of its existing intersection with Evangeline Thruway shall be implemented and more fully developed at the time of project design to enhance access to the church and school. The development of a semicircular drive west of the school with associated parking shall also be included as part of the project design and shall be incorporated into the above landscaped area as appropriate.

3.4. Other Historic Properties (Eligible for Listing on the National Register of Historic Places)

During the EIS process in coordination with the State Historic Preservation Officer (SHPO), eight properties in the corridor study area not currently listed were determined eligible for inclusion on the National Register of Historic Places (NRHP). None of the alternatives considered, including the Selected Alternative would relocate any properties on or eligible for listing on the NRHP.

COMMITMENT

The Wallis Estate (one of the eight properties) includes two buildings and surrounding land. Some right-of-way may be required adjacent to, but not from, the Wallis Estate. During design of the project, FHWA and LaDOTD will strive to minimize right-of-way requirements in this area. The Trappey's Plant Complex, another of the eight properties, lies adjacent to the existing right-of-way that will be utilized for the Selected Alternative. No right-of-way will be required from the Trappey's Plant Complex.

If a subsequent discovery or identification of additional historic properties is made, consultation with the Louisiana SHPO will be conducted by FHWA and LaDOTD to develop an appropriate course of action.

3.5.Noise

The peak hour noise levels presented in the Final EIS indicate that there is little acoustical difference between the various proposed alternatives considered in the EIS. The EIS shows that there will be slight increase in noise levels for a majority of the corridor under all alternatives, including the no-build. Under the Selected Alternative, however, throughout the corridor noise levels immediately abutting the Evangeline Thruway, including noise levels at the St. Genevieve Church and School within the Sterling Grove Historic District, will decrease because the ground level Thruway will be relocated farther away from the existing church and school and because through traffic will use the I-49 Connector freeway (which will remove traffic from the local street). Although these noise reductions will be noticeable, the resulting levels will still exceed the LaDOTD's NAC and by definition the residences, schools and churches immediately abutting the Evangeline Thruway would still experience an acoustical impact. Sound walls and other noise reduction measures were considered but determined not practical and feasible according to the LaDOTD's criteria.

Within the Sterling Grove Historic District the second and third tier of homes paralleling the Evangeline Thruway would be exposed to less noise than the St. Genevieve Church and School. These homes would most likely experience an increase from existing noise levels (because the ground level buffer provided by the existing buildings and vegetation would be less effective for an elevated noise source), but the increase would probably not be great enough to meet the LaDOTD's definition of impact.

Interior noise projections and evaluations have been done for the two schools, LeRosen and St. Genevieve Elementary Schools, which are in close proximity to the Selected Alternative. It has been estimated that interior noise levels at LeRosen will increase compared to existing conditions, while interior noise levels at St. Genevieve will decrease compared to existing conditions. These interior noise level projections exceed standards set forth by LaDOTD; therefore noise reduction measures have been identified.

Construction noise is also expected to occur with the proposed project. The major construction elements of this project are expected to be earth removal, hauling, grading, paving, and bridge construction. Construction noise is expected to have temporary impacts upon the residences, churches, schools and businesses that are located immediately adjacent to the project corridor.

COMMITMENT

Traffic Noise

Based on the studies completed for the EIS, none of the noise barriers analyzed meet the LaDOTD's definition of reasonableness and feasibility. If it subsequently develops during final design that conditions have substantially changed, abatement measures would be re-evaluated by LaDOTD. A final decision on the reasonableness and feasibility of noise mitigation will be made by LaDOTD and FHWA upon completion of the project design and the public involvement processes.

Construction Noise

LaDOTD's project engineer will monitor the following areas during the construction period. Construction equipment powered by gasoline or diesel fueled internal combustion engines will be properly muffled and all motor panels will be closed in order to minimize the noise impacts to nearby areas. Shielding of stationary noise sources with temporary noise barriers will be considered at all times. Section 107.15 of the Louisiana Standard Specifications for Roads and Bridges and the FHWA Technical Advisory T 6160 2 dated March 13, 1984, will be referenced for further details on the sources and abatement of construction noise.

Construction Noise Near Churches

To minimize construction noise impacts to the churches along the corridor, at the beginning of project construction, the LaDOTD's project engineer will contact the churches immediately adjacent to the proposed project to obtain their schedules of regular services as well as the anticipated dates and schedules of Holy Day observances. Construction operations immediately adjacent to churches will cease during weekend services (Saturday and Sunday) or special Holy Day observances. In addition, the LaDOTD will coordinate with churches along the corridor to the extent practicable for unscheduled services such as funerals. It is anticipated that it will be necessary for construction work to take place on Saturday and Sunday in the vicinity of churches in order to minimize disruption to local traffic and businesses during the Monday through Friday workweek.

MITIGATION

Traffic Noise

Walls were considered to diminish the noise levels; however, analysis has shown that none of the areas within the corridor met the LaDOTD's criteria for noise barriers. Noise reduction measures within the corridor are being considered to be funded by local and/or private agencies and organizations. The use by the LCG of a Noise Impact Overlay Zone is one potential opportunity, as it would subject land within the zone not only to common regulations for that zone, but also the developed terms for the overlay zone. Physical methods being considered by LCG for sound abatement include acoustical site planning, architectural design and construction, as well as the construction of noise barriers. Acoustic site planning includes distance barriers, noise-compatible use (parking, open space and commercial) and buildings as barriers or buildings that would not face the highway. Architectural design includes concerns such as building height, room arrangement and window size, number and placement. The LCG will be responsible for any noise mitigation measures for the I-49 Connector project, except as noted in the following paragraph, notwithstanding the re-evaluation commitment made for traffic noise stated on page 10.

Interior Noise

Both the St Genevieve and LeRosen Elementary school campuses are expected to experience noise levels higher than the impact threshold. Based on the data available at the time of this study and the results of this study, it is noted that acoustical windows installed in the LeRosen Computer Laboratory and the St. Genevieve Library would serve to mitigate noise due to the I-49 Connector project. This action should be taken prior to construction of the I-49 Connector so that benefits would accrue both for the construction period and the period of day to day freeway operations thereafter. The LaDOTD could make a direct mitigation payment to the schools based on the estimated costs of the windows as discussed above, with the concurrence of the FHWA and the written agreement of the respective school administrations to implement the installations.

3.6 Air Quality

Based on the air quality study presented in the Final EIS, all alternatives for the proposed project would not cause or contribute to violations of the carbon monoxide (CO) National Ambient Air Quality Standards (NAAQS). In 1995, Lafayette Parish was redesignated by EPA from ozone nonattainment to ozone attainment with limited maintenance plan requirements (40 CFR Parts 52 and 81, August 18, 1995). Since the transportation conformity rule (40 CFR Part 93 Subpart A) applies to maintenance areas, Lafayette Parish

must demonstrate conformity. As an attainment area with limited maintenance plan, a quantitative analysis is not needed for Lafayette Parish to establish conformity. Accordingly, at the request of the LaDOTD and the Lafayette MPO, the FHWA by letter of February 8, 2001, issued a positive conformity determination with regard to the Clean Air Act of 1990 and stated that Lafayette Parish complies with all conformity provisions of the Louisiana State Implementation Plan (SIP). This conformity determination is valid for three years.

COMMITMENT

During construction of the proposed project, all materials resulting from the clearing and grubbing or demolition will be removed from the project and disposed of by the contractor per applicable regulations. Any burning will be done in accordance with all applicable local laws and ordinances and state laws and regulations.

Measures will be taken to control the dust generated by construction when the control of dust is necessary for the protection and comfort of motorists or area residents and the abatement of particulate emissions.

It is possible that short-term construction impacts could occur due to construction equipment and haul vehicles, depending on contractor method of operations and weather. LaDOTD standard specifications will be employed to minimize these impacts. Traffic congestion during construction is not anticipated to create an impact because the existing roadway essentially will remain in place while the new freeway facility is constructed.

3.7 Waste Sites

Several known contaminated wastes sites exist in the corridor as well as numerous underground storage tank locations. All of the project alternatives considered would traverse the areas containing these sites. Some alternatives would have greater impact with regard to the contaminated waste sites while others would have greater impact with regard to the underground storage tanks.

The Selected Alternative traverses two known contaminated sites: the Southern Pacific Transportation Co. tract and the site occupied by Union Pacific, Georgia-Pacific Corp., and Conco Food Distributing Co., Inc. The possibility that contamination may not be limited to these two sites, but may be prevalent in the general area and thus would warrant additional evaluation has been considered.

The LaDEQ was consulted on November 6, 2001, regarding the contaminated site occupied by Georgia-Pacific Corp., Union Pacific, and

Conco Food Distributing Co., Inc. While Georgia-Pacific Corp. has cleaned its portion of the site to an acceptable industrial level, the LaDEQ has not approved Union Pacific's plan to clean up the Union Pacific and Conco portions of the site. The LaDEQ considers that the proposed roadway would constitute an industrial use and would not require a higher level of clean up than the industrial level remediation contemplated at present.

COMMITMENT

Special consideration will be made for construction near the area of contaminated waste site(s) along the Selected Alternative alignment. Construction alternatives for the elevated roadway include but are not limited to:

- Excavating to a depth of 15 ft and hauling contaminated soil for disposal at an appropriate offsite location, then backfilling with clean material;
- Excavating to depth of 5 ft, hauling excavated material to an appropriate offsite location, providing a cap over the excavated area, and replacing the excavated 5 ft with clean material;
- Excavating footing locations only; and
- Drilling (instead of pile driving) and using a slurry seal that would prevent contamination from downward migration.

It is possible that unregistered UST's will have leaked and contaminated the surrounding area. The LaDOTD will ensure that permanent closure of UST's in the project right-of-way will follow the procedures set forth in LACXI.905 and LACXI.907 (Louisiana Administrative Code).

A construction plan that includes measures to prevent the spread of hazardous contamination will be developed for review and approval by the LaDEQ.

LaDOTD will ensure that any actions taken with regard to contaminated waste sites will be coordinated with the measures designed to protect the Chicot Aquifer from contamination.

3.8 Water Quality

Impacts to the water quality of the Vermilion River and Chicot Aquifer associated with the proposed project would be similar for all alternatives considered including the Selected Alternative. It is not expected that impacts of the proposed project would be noticeably greater than impacts currently attributable to the existing Thruway.

COMMITMENT

FHWA and LaDOTD will ensure that any water wells impacted by the construction of the I-49 Connector will be dealt with in accordance with regulations set forth by LaDEQ Ground Water Protection Division (GWPD) Water Well Rules and Standards of the Water Resources Division of LaDOTD, and any other federal, state, or local regulations that may apply. This would include plugging all affected wells (and borings) to prohibit potential entry of contaminants into the Chicot Aquifer. See Section 3.7 of this ROD (*Waste Sites*) and Section 3.9 of this ROD (*Chicot Acquifer*) for commitments concerning waste sites in the corridor and the potential for contamination of the Chicot Aquifer.

Implementation of sediment and erosion control practices such as silt fences, drainage diversions, and matting along with prompt seeding and revegetation of slopes and bare ground will be utilized to minimize temporary erosion and sedimentation problems.

Temporary erosion control procedures to control sediment-laden runoff from unstable construction embankments will be employed to minimize impacts to the Vermilion River during the construction phase of the project.

3.9 Chicot Aquifer

All of the alternatives considered for the project corridor are underlain by the sole source Chicot Aquifer, which covers a large area of south Louisiana. Each of the alternatives considered necessarily would employ construction techniques that would prevent any contamination of the aquifer. Pile driving or excavation operations, with the potential to puncture the existing, confining claybed, are the most significant project components with regard to potential contamination of the Chicot Aquifer from hazardous waste. Hazardous waste sites have been documented to exist in the project corridor and hazardous material could be allowed to enter the aquifer if documented and/or currently unknown contaminated areas are excavated and the confining clay layer is punctured creating a point of recharge.

None of the alternatives would impact primary recharge areas of the Chicot Aquifer, which are located in Beauregard, Allen, and Evangeline Parishes.

Construction impacts to the Chicot Aquifer would be dependent of the depth to the water bearing strata of sand and gravel underlying the Selected Alternative. Utilizing idealized geologic sections prepared by the United States Geological Survey, none of the alternatives would be anticipated to impact the Chicot Aquifer. This determination is further substantiated by recent construction of the University Avenue underpass at the Union Pacific

Railroad. This project included a railroad bridge on piles and excavation for the roadway underpass, neither of which penetrated the aquifer. Avoidance of impacts to the Chicot Aquifer, which is a sole source aquifer, will continue to be coordinated with the EPA and LaDEQ as the I-49 Connector projects continues to develop.

COMMITMENT

The potential for contamination through ground water/surface water interchange will be minimized through special design techniques and plan review procedures that continue to involve the EPA, LaDEQ, and other appropriate agencies. Through such coordination, adequate safeguards will be instituted to assure compliance with state and federal regulations.

The actual aquifer layer will be identified at the time of the design phase when borings are obtained for design purposes. Design measures and construction techniques will be utilized to guard against contamination of the aquifer. See Section 3.7 of this ROD (*Wastes Sites*).

During the construction phase of the project, close coordination with LaDEQ and EPA will be maintained to assure that adequate protection is maintained for the Chicot Aquifer.

3.10 Lafayette Regional Airport Runway / Taxiway Displacement

The Lafayette Regional Airport lies adjacent to the existing Evangeline Thruway in the southeast quadrant of the corridor. The Selected Alternative would require the displacement of Runway 11-29. This would be needed in order for the I-49 overpass at the University/Surrey Street interchange to remain under the FAR Part 77 approach surface. This requires a 350′ displacement of Runway 11-29. Three hundred and fifty feet of the existing runway would be removed from its northwest end, and the southeast end of the runway would be extended 350′. The existing 200′ overrun area on the southeast end of the runway would be reconstructed at the end of the 350′ extension of the runway.

The runway's taxiway would also be extended on the southeast end of Runway 11-29 and displaced on the northwest end in order to accommodate the runway displacement. Related actions to the runway/taxiway extensions would be a relocated ARFF/perimeter road on the southeastern end, new runway lights, runway end indicator lights, runway alignment indicator lights, and pavement markings. The existing 350' of runway pavement on the northwest end of Runway 11-29 that will be removed from service will not be torn out. Design of the runway/taxiway extensions and related actions would be in accordance with Federal Aviation Administration (FAA) specifications.

The FAA has been a cooperating agency throughout the EIS process and intends to issue a separate ROD for modifications at the Lafayette Regional Airport that are required as a part of the I-49 Connector highway project. Therefore, the separate FAA ROD is required prior to the construction of the I-49 Connector. The FAA ROD will address the following actions related to the airport:

The FAA may make a number of decisions pursuant to the Final EIS. Generally, the FAA's ROD will address the possible approval of a change to the Airport Layout Plan (ALP), upon request from the airport owner. These changes may include the depiction of actions necessary to accommodate the I-49 Connector project. Other decisions the FAA may make include the relocation of navigational aids, a change to approach procedures as required, and consideration of possible release of approximately 3.5 acres of Federally-obligated airport property, upon request by the airport property owner.

COMMITMENT

In order to construct the southeast extension for Runway 11-29, airspacing and obstruction evaluations will be performed before and during construction of the I-49 Connector. Special care will be taken by the contractor to see that the construction cranes do not extend above the glide slope. Only certain roadway lights can be used on the I-49 overpass at University/Surrey Streets. These lights will be pointed down and will be designed so as to not encroach into the glide slope or otherwise affect airport operations. The LaDOTD and FHWA will fund necessary airport modifications as a part of the highway project.

The FAA has conducted modeling obstacles, primarily large tractor-trailers, on the access road for possible impacts to the Very High Frequency Omnidirectional Range (VOR) radiated signal. The modeling indicates no impacts to the operation of the VOR; however if upon completion of the I-49 Connector project, an impact on the VOR is identified, LaDOTD/FHWA commits to funding the relocation of the VOR.

The FAA has an active project to replace the Runway 22L localized antenna array in essentially the same location in the future. The I-49 Connector project will not require any additional right-of-way in the vicinity of the existing or the future relocated localizer antenna array. Therefore, no impact on the FAA's plans should occur.

In order to minimize impacts to the Medium Intensity Approach Lighting System with Runway Alignment Indicator Lights (MALSR), for Runway 04R, that will be in place prior to commencement of design of the I-49 Connector project, the LaDOTD/FHWA agrees to coordinate with the FAA on any

preliminary design in the area between nodes A and B depicted in Volume I of the Final EIS, Exhibit S-2.

During the design phase of the project, the LaDOTD and FHWA will coordinate with the Federal Aviation Administration (FAA) Fort Worth NAS Implementation Center, ANI-600, (817-222-4500) to ensure that FAA technical specifications are met with regard to navigational aids.

The I-49 Connector overpass at University Avenue and the I-49 Connector interchange at Kaliste Saloom Road would penetrate a 100:1 slope off any runway. As a result, a FAA Form Alteration, will be filed with the Air Traffic Division, ASW-520, before construction.

3.11 Wetlands

The Final EIS states that five acres of wetlands will be adversely impacted by the Selected Alternative. This is due to the 350′ extension of Runway 11-29 and 200′ overrun area under the Selected Alternative that will encroach on an area considered jurisdictional wetlands subject to Section 404 (b) of the Clean Water Act of 1977, based on evidence gathered during field inspection of the aforementioned area (wetland site W-2). Based on the consideration discussed in the Final EIS in compliance with the requirements of Executive Order 11990, it has been determined that there is no practicable alternative to the proposed construction in wetlands and that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

The runway extension would also encroach into a floodplain fringe area (but not the main floodway). Due to the small area affected, no appreciable increase in flood heights will occur.

COMMITMENT

The LaDOTD will minimize the area of wetlands to be affected for the required Lafayette Regional Airport runway extension, by utilizing design features that avoid the need to relocate Bayou Tortue. This will include embankment stabilization with riprap or other means.

MITIGATION

Approximately five acres of wetlands would be adversely impacted by the project. Potential methods of mitigation for wetland impacts include restoration, creation, or mitigation banking that would provide off-site locations for this mitigation. During the Section 404 permitting process, if it were determined appropriate, LaDOTD will implement mitigation by one of the above methods.

3.12 Vermilion River

Impacts to the water quality of the Vermilion River associated with the proposed project would be similar for all alternatives considered in the Final EIS including the Selected Alternative. It is not expected that impacts of the proposed project would be noticeably greater than impacts currently attributable to the existing Thruway.

COMMITMENT

Design of the river crossing will be conducted so as to not restrict the flow of the Vermilion River for the 100 year flood.

Temporary erosion control procedures to control sediment-laden runoff from unstable construction embankments will be employed to minimize impacts to the Vermilion River during the construction phase of the project.

3.13 Parks (Section 4(f) and 6(f) Properties)

Based on the anticipated impacts to parks due to the project as discussed in the Final EIS, it has been determined that Section 4(f) and 6(f) would not be applicable with regard to parks in the vicinity of the project. Although noise and visual effects will occur at Beaver Park, they do not substantially impact the 4(f) property. Should design details as subsequently developed cause impacts which are not currently apparent, 4(f) and 6(f) applicability would be reviewed by the FHWA and LaDOTD and statements prepared, if warranted.

COMMITMENT

LaDOTD will coordinate with the National Park Service and Lafayette Parish Recreation and Parks during the design phase to ensure that appropriate access and egress opportunities are maintained at Jean Lafitte National Historic Park and Beaver Park during construction and after completion of the project. It is not known at this time when the detailed design will commence.

3.14 Live Oak Trees

As part of the EIS process, a study has been conducted by a licensed arborist to evaluate the existing conditions of three live oak trees located along the proposed alignments and the affects the construction of the Selected Alternative may have on the trees. Two Live Oak trees near the Sterling Grove Historic District and one tree near the Castille and existing Evangeline Thruway intersection were analyzed in the arborist's study.

The study indicates that no negative impacts are expected to occur on the two trees near the Sterling Grove Historic District because the existing Evangeline Thruway is being relocated away from the trees, thus providing more green space within the drip line of the trees. It is expected that any of the alternatives of the proposed project including the Selected Alternative ultimately would benefit the two trees.

The Live Oak tree (Live Oak Tree No. 103) located in the median between the north and southbound lanes of Evangeline Thruway near its intersection with Castille Street is considered a heritage tree, as it is over one hundred years old, and is in good to excellent condition. The design team has developed a modified design concept of the locally preferred alternative as presented in the Final EIS (Subalternative H) in order to provide an opportunity for the I-49 project to avoid this tree. A summary of the arborist's report is provided in the Final EIS.

COMMITMENT

The three Live Oak Trees studied during this EIS process will remain in place, including Live Oak Tree No. 103 located in the median near I-10 and Willow Street. Due to the close proximity of this tree to the proposed I-49 Connector freeway, LaDOTD will consider a design for the mainline and ramps near the tree to avoid and minimize secondary impacts. (See items 1 and 2 below.) In addition, LaDOTD will:

- Develop tree protection plans and specifications designed by an ISA certified arborist and a registered landscape architect,
- Provide for site supervision and construction observation by ISA certified consulting arborist, and
- Provide for post construction tree survey and damage assessment.

LaDOTD will implement design and construction techniques to minimize impacts to the root zone of Live Oak Tree No. 103. Considerations to provide additional space and visual quality for Tree No. 103 may be provided by:

1. Reversing the locations of the re-aligned Evangeline Thruway and the proposed northbound entrance ramp so that the entrance ramp is to the east of Evangeline Thruway. This would provide unobstructed views of the tree from the ground level northbound Evangeline Thruway.
2. Shifting the I-49 mainline structures approximately 20-25 feet to the west. However, this may require additional right-of-way on the west side of the Evangeline Thruway southbound lanes.

3.15 Construction Debris

The amount of construction debris associated with the proposed project during the construction phase would be similar for all alternatives considered including the Selected Alternative. Appropriate measures will be made to ensure that the debris is removed from the project area and discarded properly.

COMMITMENT

The removal and disposal of construction related materials will occur under the construction phase of the project and it will be the responsibility of the contractor to adhere to all applicable state and federal regulatory requirements and LaDOTD specifications.

3.16 Destination Signing and Traffic Control Plans

Each of the alternatives considered for the proposed project including the Selected Alternative will affect the access and egress to and from area destinations. Each of the alternatives including the Selected Alternative will also have the potential to affect the traffic flow in the area during the construction phase of the project.

COMMITMENT

Detailed directional signing for the I-49 Connector project will be developed in compliance with Manual for Uniform Traffic Control Devices (MUTCD) and LaDOTD policy during the design phase of the project. This will include temporary detours during construction if these are needed.

Signage identifying access into the central business district (CBD) will be provided in accordance with the MUTCD and LaDOTD policy.

LaDOTD will coordinate with the National Park Service and Lafayette Parish Recreation and Parks during the design phase to ensure that appropriate access and egress opportunities are maintained including signage in accordance with the MUTCD and LaDOTD policy, at Jean Lafitte National Historic Park and Beaver Park during construction and after completion of the project. It is not known at this time when the detailed design will commence.

3.17 Local Access and Circulation

Local access and circulation in the central core area of the project is important with regard to area neighborhoods, businesses, and the central business district (CBD). The Selected Alternative includes design features that maintain existing circulation patterns and provide improved access to the CBD. These features of the Selected Alternative were developed through various meetings and workshops to gather community and local agency input.

Other initiatives were taken with regard to access and circulation concerns of the Sterling Grove Historic District.

COMMITMENT

The following streets will remain open for local access and circulation under the proposed project:

- Kaliste Saloom
- University/Surrey
- Pinhook (U.S. 90 BUS)
- Taft
- Johnston (U.S. 167)
- Jefferson
- 3rd
- 2nd
- Simcoe
- Mudd (U.S. 90)
- Donlon
- Willow
- Castille

The Selected Alternative has identified an opportunity to keep Greig Street open under the freeway. This will be studied more closely in the Joint Use Development Plan.

3.18 Community Impacts and Cohesion

Each of the alternatives including the Selected Alternative has the potential to impact the community and cohesion.

COMMITMENT

A Joint Use Development Plan will be implemented to minimize community impacts. See Section 3.21 of this ROD (*Joint Use Development Plan*).

FHWA and LaDOTD will ensure that design plans for the proposed project provide vehicular and pedestrian access across the I-49 Connector. The streets that will remain open for vehicular traffic are listed in Section 3.17 of this ROD (*Local Access and Circulation*). Pedestrian circulation patterns will be developed during the Joint Use Development Plan.

During the design of the proposed project, LaDOTD will provide the provision of increasing the elevation of the roadway structure above the minimum requirement in order to increase the feeling of openness under the structure and to keep cohesion within the community.

Special considerations will be made during the design of the proposed project for aesthetically enhancing the appearance of the structure piles and bents.

3.19 Corridor Preservation

The Lafayette Consolidated Government (LCG) Corridor Preservation and Management Action Plan for the I-49 Alignment has been developed and adopted as a part of the Joint Cooperative Endeavor Agreement (JCEA) amongst the LaDOTD, FHWA, and LCG. Under the Plan, rights of way for the Selected Alternative will be acquired over time, as funding becomes available. The Corridor Preservation and Management Action Plan discusses both mitigation and enhancement items to be implemented as part of the LCG overall plan. Many of these items will be eligible for state and federal funding. The plan also includes economic development and redevelopment strategies in the corridor. A joint use plan throughout the corridor is also discussed within the Corridor Preservation and Management Action Plan to facilitate the incorporation of these provisions into the project during the design and construction phases. Some of these provisions will be funded by the FHWA and LaDOTD while some items may be funded by the LCG.

COMMITMENT

As agreed to in the Joint Cooperative Endeavor Agreement contained in Appendix G of the Final EIS, LaDOTD in cooperation with FHWA and Lafayette Metropolitan Planning Organization (MPO) will apply the provisions of the Lafayette Consolidated Government (LCG) Corridor Preservation and Management Action Plan to Preserve the I-49 Alignment. As mentioned in Section 3.1 of this ROD (*Displacements*) the plan states provisions regarding right-of-way acquisition, relocation assistance, and last resort housing.

Due to the lack of initial funding, the project will be implemented in stages. The first stage will be the LCG Corridor Preservation and Management

Action Plan to Preserve the I-49 Alignment. As funding becomes available, Stage 2 (design) will then begin followed by Stage 3 (construction).

3.20 Facility Construction

All the alternatives considered for the proposed project, including the Selected Alternative, have the potential to affect traffic operations, create noise, and produce construction debris.

COMMITMENT

Special care will be taken to minimize the negative impacts to vehicular and pedestrian traffic flow through the corridor through the use of detailed signing plans and construction techniques during the facility construction phase.

See Section 3.5 of this ROD (*Noise*) for more specific information regarding the commitments concerning construction noise.

The removal and disposal of construction related materials will occur under the construction phase of the project and it will be the responsibility of the contractor to adhere to all applicable state and federal regulatory requirements and LaDOTD specifications.

3.21 Joint Use Development Plan

All project alternatives, including the Selected Alternative, have been considered with regard to the opportunity to minimize impacts to the community.

COMMITMENT

In conjunction with the project design process, the LaDOTD will prepare a Joint Use Development Plan for the length of the project corridor after this ROD has been signed. In addition to landscaping (which includes “hardscape” provisions, pedestrian access, bicycle paths, and under-deck lighting), this plan will incorporate additional features to be determined in part by local agency and public input. Elements from the Section 106 mitigation plan, prepared in accordance with the signed MOA to mitigate adverse impacts to Sterling Grove Historic District, will be incorporated into the overall Joint Use Development Plan as appropriate. Refer to Section 3.3 of this ROD (*Sterling Grove Historic District*) for more detailed information on provisions agreed upon for the Section 106 mitigation plan.

4. SECTION 106 COMPLIANCE

A Section 106 Study (as referred to in 36 CFR 800.9) for properties listed on or eligible for inclusion on the National Register of Historic Places (NRHP) was conducted for the proposed project in the study corridor. The findings of the Section 106 study were reported in the I-49 Connector Section 106 Adverse Effect Documentation Report and the Final EIS.

The LaDOTD has determined that the I-49 Connector Project will have an adverse visual effect upon the Sterling Grove Historic District, a district included on the National Register of Historic Places, and LaDOTD has consulted with the Louisiana State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

The LaDOTD, the Federal Highway Administration (FHWA), the Advisory Council on Historic Preservation, and the Louisiana SHPO have agreed that the I-49 Connector Project will be implemented in accordance with stipulations to take into account the visual effects of the proposed project on the Sterling Grove Historic District and the potential effects to archaeologically significant properties. This agreement and the corresponding stipulations have been formalized in a Memorandum of Agreement (MOA) that was approved by all parties. In addition, three MPO committees and the Lafayette City-Parish Planning Commission were concurring parties for the document. The MOA in its entirety is contained in Appendix F of the Final EIS.

Section 4(f) has been determined to be not applicable because there is no taking or constructive use from the historic district or other applicable properties.

5. MONITORING AND REPORTING

In order to monitor and report the project's activities associated with the commitments and mitigation measures discussed in the MOA, the Joint Cooperative Endeavor Agreement, the Final EIS, and this ROD, the LaDOTD will create and maintain an Information Management System (IMS).

6. COMMENTS ON THE FINAL EIS

This portion of the ROD includes comments received by the LaDOTD on the Final EIS for the I-49 Connector Project. The Final EIS was approved by the FHWA on August 30, 2002. A Notice of Availability requesting comments on the Final EIS was published in the Federal Register on September 13, 2002 with a comment due date of October 15, 2002. This date was extended to November 1, 2002, to account for hardships that may have been caused by Hurricanes Isidore and Lili that struck during the response period.

Comments on the Final EIS were received from federal, state, and local agencies, private organizations, elected officials, businesses and local residents. To a great extent, these comments reflect issues previously raised on the Draft EIS.

Six hundred and seventy-four (674) letters from agencies, organizations, and individuals and one petition with over 2000 signatures were received by LaDOTD and FHWA. The majority of comments received were related to specific requests for a public hearing and a lengthened comment period and concerns about cultural resources, hurricane evacuation, and hazardous waste contamination. In addition, numerous comments were received expressing opposition to the I-49 Connector route through the city (which includes all alternatives considered in the EIS) and requesting that a loop around the city be investigated more fully.

LaDOTD and FHWA have carefully reviewed all comments received on the Final EIS and it has been determined that the substantive environmental issues raised in the comments have been fully responded to. FHWA has considered all Final EIS comments in reaching the decisions documented in this ROD.

The comments have been summarized in a table that lists the comment number, commentor, the comment date, subject code, the issue noted in the comment, and (where applicable) a response to the comment. The table is provided in Appendix A and the actual comment letters are on file at LaDOTD and FHWA offices in Baton Rouge, Louisiana. The list of subject codes used to identify each type of comment is provided in Appendix A of this ROD and also on each page of the Summary Table. Each comment is numbered sequentially, with a binomial code. The first number in the code classifies the comment into one of the following seven categories:

1) Federal Agencies
2) State Agencies
3) Regional or Local Agencies
4) Private Organizations or Groups
5) Public Services (Including Elected Officials)
6) Corporations/Businesses
7) Other Interested Persons

The second number in the binomial code is the number assigned to each comment within each category as it was received.

7. RECORD OF DECISION APPROVAL

Based on the analysis and evaluation contained in the proposed project's Final Environmental Impact Statement; after careful consideration of all the identified social, economic, and environmental factors and input received from other agencies, organizations, and the public; and the factors and project commitments and mitigation measures outlined above, it is the decision of the FHWA to approve the selection of the RR-4 Elevated Alignment with the MPO Subalternative and Subalternative H as the Selected Alternative for the I-49 Connector project.

1/9/03
Date

William A. Sussmann
Louisiana Division Administrator
Federal Highway Administration